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(*e*) whether the son of Mr. Seshagiri Rao Pantulu, a native of Godavari West, was appointed by the District Collector as probationary revenue inspector in the Ganjam district; and

(*f*) what are the superior qualifications of this candidate over other candidates; and whether the Government will be pleased to call for a report?

A.—(*a*), (*b*) & (*c*) The hon. Member is referred to the answer given to question No. 740-A.

(*d*) The hon. Member is referred to the answer given to clause (*b*) of the question No. 1344 asked in the Legislative Council on 10th February 1926.

(*e*) M.R.Ry. D. Basavaraju, B.A., son of M.R.Ry. D. Seshagiri Rao Pantulu Garu, Treasury Deputy Collector, Ganjam, was appointed as probationary revenue inspector.

(*f*) The Collector considered this candidate to be the most suitable of the applicants. The information given to these questions has been reported by Collector in reply to a call from Government for a report.

Public Service

Communal representation in public service.

*740-C *Q.*—Mr. S. SATYAMURTI: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether in supersession or in modification of the existing Government Orders on the subject any fresh orders have been issued or are proposed to be issued by this Government regulating either recruitment to, or promotion in Government services on communal grounds;

(*b*) if so, the terms or principles of those orders; and

(*c*) the reasons why such orders have been or are proposed to be issued?

A.—(*a*), (*b*) & (*c*) In 1921 the Government accepted at the instance of the Legislative Council the principle that the several communities should find representation in the public service and issued orders that officers making appointments should follow this principle. Orders were also issued for the compilation and presentation of returns to this House showing the result of these instructions. It has been repeatedly asserted in this House and outside it that these orders have been ineffective and inoperative and it is a fact that the returns compiled to exhibit the effect of the orders do not show that there has been much change in practice in the years since the order was issued. Accordingly when considering the rules to be framed under the Civil Services (Governors' Provinces) Delegation Rules, 1926, for regulating the conditions of service of Provincial and subordinate services and special posts the question of giving effect to the orders referred to above has also been dealt with. In the case of those services where the requirement of special or technical qualifications does not make any rule of communal recruitment unworkable, it has generally been prescribed that recruitment shall be regulated by the following rules:

(1) (*a*) If qualified and suitable candidates are available in each community officers shall be appointed so that the proportion of appointments made from each community may, out of every 12 posts, be as follows :—

Non-Brahmans (Hindu)	5
Brahmans	2
Muhammadans	2
Anglo-Indians and Christians (including Europeans)	2
Others (including depressed classes) ...	1
Total ...	12

(*b*) such appointments shall be made in the following order :—

(1) Non-Brahman (Hindu).
(2) Muhammadan.
(3) Non-Brahman (Hindu).
(4) Anglo-Indian or Christian.
(5) Brahman.
(6) Non-Brahman (Hindu).
(7) Others (depressed classes).
(8) Non-Brahmin (Hindu).
(9) Muhammadan.
(10) Non-Brahman (Hindu).
(11) Anglo-Indian or Christian.
(12) Brahman.

(*c*) If a qualified and suitable candidate of a particular community is not forthcoming in the turn allotted to that community the appointment shall be made of a candidate belonging to the next community specified in clause (*b*) above if he is otherwise qualified and suitable for appointment, and a qualified and suitable candidate belonging to the former community will have a preferential claim to appointment on the next occasion when it is made.

(2) The starting point of the rotation laid down in paragraph (1) (*b*) shall be determined by the last appointment made at the date of the order, e.g., if the last appointment was of a Non-Brahman (Hindu) the rotation will be considered to have begun at No. (1), if a Muhammadan at No. (2), if an Anglo-Indian or Christian at No. (4), if a Brahman at No. (5), if an officer of the depressed classes at No. (7).

The term 'recruitment' covers selection from a subordinate service or transfer from other departments as well as first appointment; but the general rule above does not apply to promotions within a service.

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Mr. S. SATYAMURTI :—" May I know with regard to the first sentence of the answer whether that principle is or is not modified or intended to be modified by the Government both in theory and in practice, by these circumstances, viz., that other conditions should be equal and minimum standards of efficiency and qualification should be enforced ? "

The hon. Sir NORMAN MARJORIBANKS :—" It is subject to that condition, Sir."

Mr. S. SATYAMURTI :—" Then, Sir, with regard to the next sentence which says : 'it is a fact that the returns compiled to exhibit the effect of the orders do not show that there has been much change in practice in the years since the order was issued ' may I know on what materials this opinion of the Government is based, and whether they will place any facts or figures before this House to show that the Government are justified in this opinion that there has not been much change in practice in the years subsequent to the date of the order ? "

The hon. Sir NORMAN MARJORIBANKS :—" Based on facts and statements placed on the table."

Mr. S. SATYAMURTI :—" With regard to the next sentence, as regards the powers of this Government to frame, under the Civil Services Delegation Rules, these regulations and conditions of service, may I know whether the Government took the opinion of their legal advisers as to whether the previous sanction of the Government of India was or was not necessary for this Government to frame these rules ? "

The hon. Sir NORMAN MARJORIBANKS :—" Does the hon. Member refer to the rules that follow, Sir."

Mr. S. SATYAMURTI :—" Yes, Sir ? "

The hon. Sir NORMAN MARJORIBANKS :—" They are not statutory rules, Sir."

Mr. S. SATYAMURTI :—" It is said here : 'Accordingly when considering the rules to be framed under the Civil Services Delegation Rules, 1926, for regulating the conditions of service of provincial and subordinate services and special posts, the question of giving effect to the orders referred to above has also been dealt with . . . and it has generally been prescribed that recruitment shall be regulated by the following rules : ' With regard to these rules which purport to be made by this Government in pursuance of the power vested in them under the Civil Services Delegation Rules, I am asking whether the Government took the opinion of their legal advisers as to whether the previous sanction of the Government of India was or was not necessary in this matter ? "

The hon. Sir NORMAN MARJORIBANKS :—" The first sentence says : 'when considering the rules to be framed under the Delegation Rules, . . . the question of giving effect to the orders referred to above has also been dealt with '. This was not intended to mean that these rules were made as rules under that delegation ; but that that was the occasion for the consideration of the question."

Mr. S. SATYAMURTI :—" May I know under what power these rules were made by the Local Government ? "

The hon. Sir NORMAN MARJORIBANKS :—" The power of making appointments."

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Mr. S. SATYAMURTI :—"With regard to these rules, Sir, governing not only their initial appointments but also, as the second paragraph of the second clause points out, selection appointments and transfer appointments, and with reference to those selection and transfer appointments which govern existing and accruing rights of members of the provincial and subordinate services that are reserved for them under these Delegation Rules and that can be affected only with the previous sanction of the Government of India and with regard to the members who are already there, may I know whether the Government have taken legal opinion as to whether they can, in the exercise of their normal rights of appointment to these services, make these rules affecting such accrued rights? I want to know under what power the Government are acting."

The hon. Sir NORMAN MARJORIBANKS :—"I do not admit the major premises of the question, Sir."

Mr. S. SATYAMURTI :—"May I know whether with regard to this proportion of 5 Non-Brahmans, 2 Brahmans, 2 Muhammadans, 2 Anglo-Indians and Christians including Europeans and others including depressed classes 1, there is any method in this madness, any principle behind it?"

The hon. the PRESIDENT :—"The hon. Member may put his question without characterizing it as madness."

Mr. S. SATYAMURTI :—"I am sorry, Sir. I want to know whether there is any principle in this proportion?"

The hon. Sir NORMAN MARJORIBANKS :—"The principle is to give representation in proportion, very roughly, to the population."

Mr. C. V. VENKATARAMANA AYYANGAR :—"May I know if the Government have satisfied themselves that these officers who have been superseded will have no claim for compenstaion?"

The hon. Sir NORMAN MARJORIBANKS :—"I do not think the presumption of supersession is correct."

Mr. C. V. VENKATARAMANA AYYANGAR :—"May I know whether it is not a fact that seniors in particular grades will, in cases of promotion under the new Government Order, have their claims superseded by people below them simply on account of the communal preference?"

The hon. Sir NORMAN MARJORIBANKS :—"No, Sir; nobody has a claim to be enrolled in a service superior to that he is now in."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I am now dealing with the question of promotions in the same service, Sir. This evidently applies to promotion also, if I understand the answer correctly. If in the case of promotions, this order is given effect to, as I take it it will be, I want to know whether in such cases of making promotions on the communal basis, the Government have satisfied themselves that they will not be liable to the officers whose claims are superseded on this account and whether those officers will not be entitled to compensation?"

The hon. Sir NORMAN MARJORIBANKS :—"I will invite the hon. Member's attention to the last sentence of the answer, Sir, that 'the general rule above does not apply to promotions within a service."

The hon. the PRESIDENT :—"As the time allotted for questions is now over, the Council will take up the next order of the day."